

APPEAL NO. 041320  
FILED JULY 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 3, 2004. The hearing officer determined that the appellant's (claimant) compensable lumbar strain injury of \_\_\_\_\_, does not extend to and include an injury to the bilateral wrists, and that the respondent (carrier) did not waive the right to contest compensability of the claimant's claimed bilateral wrist injury because the carrier timely contested the claimed injury in accordance with Section 409.021, and waiver does not apply to extent of injury disputes. The claimant appealed, arguing that the hearing officer's determinations are wrong as a matter of law and against the great weight and preponderance of the evidence. The appeal file does not contain a response from the carrier.

DECISION

Affirmed.

Conflicting evidence was presented on the disputed issues of extent of injury and waiver. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. In the instant case, the hearing officer was persuaded that the claimed bilateral wrist injury can be properly characterized as one of extent, and is therefore not subject to waiver. Additionally, the hearing officer was not persuaded by the claimant's testimony or medical evidence that the compensable injury extends to include an injury to the bilateral wrists. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and that they are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300  
IRVING, TEXAS 75063.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Robert W. Potts  
Appeals Judge